IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4022 OF 2006
WITH
CRIMINAL APPLICATION NO. 806 OF 2006
WITH
CRIMINAL APPEAL NO. OF 2006

Mr. Surendra S/o Buralal Jain ..Applicant

Vs.

The State of Maharashtra and ors. ..Respondents

Mr. A.M. Saraogi for applicant.
Mr. D.P. Adsule, APP for State.
Mr. V.C. Gupte for respondent nos.2 to 6.

CORAM: B.H. MARLAPALLE, J.

Date : August 04, 2007.

P.C.:

. This is an application seeking leave to appeal under Section 378 (4) of Cr.P.C. against the order of acquittal passed by the learned Additional Sessions Judge, Greater Bombay on 10/3/2006 in Sessions Case No. 1374 of 1999. The accused came to be acquitted of the offences punishable under Sections 498-A, 304-B, 201, 202 read with Section 34 of IPC and

accused no.1, in addition, was again acquitted for the offence punishable under Section 197 of IPC.

. The Sessions Case was undoubtedly tried at the instance of the State and, therefore, it is for the State to file an appeal against the order of acquittal. It is well settled that the original complainant who lodged the FIR has no locus to file an appeal against the acquittal order and, therefore, the learned counsel for the applicant sought leave to withdraw the application.

. Leave granted and the application is disposed as withdrawn with liberty as is available in law.

. In view of the above order, Criminal Application No. 806 of 2006 for condonation of delay and the criminal appeal do not survive and shall stand disposed as such.

(B.H. Marlapalle,J.)